

ARMED SERVICES
TACTICAL AIR AND LAND FORCES
STRATEGIC FORCES

SELECT COMMITTEE ON
HOMELAND SECURITY
INTELLIGENCE AND
COUNTERTERRORISM

CYBERSECURITY, SCIENCE, AND
RESEARCH & DEVELOPMENT
RULES



CONGRESSMAN KENDRICK B. MEEK

1039 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4406
FAX: (202) 226-0777

DISTRICT OFFICES:
☐ MIAMI-DADE
111 N.W. 183RD STREET
SUITE 315
MIAMI GARDENS, FL 33169
(305) 690-5905
FAX: (305) 690-5951
☐ BROWARD
10100 PINES BOULEVARD
BUILDING B, 3RD FLOOR
PEMBROKE PINES, FL 33026
(954) 450-6767
FAX: (954) 450-6768

November 6, 2003

Mr. John A. Mata, Field Director
Bureau of Immigration and Customs Enforcement
7880 Biscayne Blvd.
Miami, Florida 33138

Dear Mr. Mata:

I am writing to request your immediate intervention on behalf of Mr. Ernesto Joseph, an orphaned Haitian teenager.

I have written to you before about Ernesto's case, as well as to other officials in the Department of Homeland Security, but I am compelled to write yet again because of what can only be described as the government's continued and concerted effort to spare no cost and to use all of the resources of our government to frustrate, delay, punish, imprison and ultimately deport this young man.

Ernesto Joseph came to our country on October 29, 2002, in fear for his life. He has been in the custody of the DHS for most of that time, as he is today, and I think the treatment of this young Haitian at the hands of our government has been nothing short of a national shame.

No one has ever determined that Ernesto Joseph poses any danger at all to anyone—quite the contrary. Yet, over the past twelve months, ICE has held him in detention for months pending an asylum decision.

When an immigration judge ultimately ruled that Ernesto's very life would be in danger if he was forced to return to Haiti and therefore granted him asylum in this country, ICE still held him in detention for nearly five additional months while the government marshaled all of its resources to get that decision overturned by an appeals judge.

Even when Ernesto Joseph was temporarily released from detention in June, it was only after Amnesty International and the Miami Haitian community conducted a letter-writing campaign of the type justice-loving Americans have directed in the past to free oppressed Soviet Jews or political prisoners in repressive regimes like Iraq, and Afghanistan, and Cuba.

Even then, ICE would not budge until Ernesto's lawyers—who do not have the vast army of lawyers and clerks of the government—insisted on psychological tests that showed, to no one's surprise, that Ernesto was suffering extreme depression and post-traumatic stress disorder from the endless detention.

Now, Ernesto is back in detention. He has a deportation order against him, which has been delayed while even more "proof" is demanded about his age and his parents. We asked that he be released to the community, as he had been released before when the government was working hard to overturn his favorable asylum decision, but we have been refused.

Instead, Ernesto's lawyers have been informed that they now must produce his baptismal certificate from Haiti, as well as the specific location of the graves of his parents in order to "prove" that he is young and an orphan--despite his attorneys' submission of authentic documents from the Haitian Minister of Justice, the Haitian Minister of Foreign Affairs and the Haitian Director of the National Archives in Haiti. Experts believe that these new, additional requirements will take months to fulfill, if it is even possible to do so.

It is very clear to me and, I believe, to any objective observer, that the Department of Homeland Security and the Justice Department are committed to use all of their resources and discretion under our immigration laws and regulations to place upon this teenager burdens he will never be able to bear; requirements he will never be able to meet; and expenses he can never pay, in order to deport him back to Haiti.

The Bush Administration has followed a repressive, punitive and cynical immigration policy toward Haitians. If this is our government's idea of how to send a "message" to Haitians in Haiti, then I can only respond that it is appalling that our government is using the suffering of Haitian children and teenagers as the pen and paper.

It is equally appalling that, by sending this message, we are denying the protection of our nation to people like Ernesto Joseph, who have a credible fear of persecution in their home country, even as American service men and women die almost daily to secure that same protection for the people in Iraq.

I believe that the people of our community are fed up with the human rights abuses that are occurring right here, where we live. Accordingly, I respectfully request that you use the discretion and powers of your office to immediately release Ernesto Joseph to the custody of his U.S.-citizen uncle, Mr. Adelphin Pierre, and that you

expeditiously decide this case based on its merits in a way that will, for the first time, give Ernesto Joseph the decent treatment and protection he deserves.

Sincerely yours,

A handwritten signature in black ink that reads "Kendrick B. MEEK". The signature is written in a cursive, slightly stylized font.

KENDRICK B. MEEK
Member of Congress